

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MOHAMMAD SAAILI SHIBIN,)
a/k/a "Khalif Ahmed Shibin,")
a/k/a "Mohammad Ali,")
a/k/a "Ali Jama,")
)
Defendant.)

CRIMINAL CASE NO.
2:11cr33

TRANSCRIPT OF PROCEEDINGS
(Testimony of James A. Blitzer)

Norfolk, Virginia
April 25 and 26, 2012

BEFORE: THE HONORABLE ROBERT G. DOUMAR,
United States District Judge, and a jury

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I N D E X

ON BEHALF OF THE GOVERNMENT:	Direct	Cross	Red.	Rec.
J. Blitzer	3	66	78	80

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1 *****

2

3 THE COURT: Who is your next witness, Mr. Hatch?

4 MR. HATCH: James Blitzer.

5 (The witness was sworn by the clerk.)

6 JAMES A. BLITZER, called as a witness, having been
7 first duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. HATCH:

10 Q. Could you please state your name for the record?

11 A. James A. Blitzer, last name spelled B-L-I-T-Z-E-R.

12 Q. And how are you employed, sir?

13 A. I work for the Naval Criminal Investigative Service, also
14 known as NCIS.

15 Q. And how long have you been with NCIS?

16 A. August of 2001, so just shy of eleven years.

17 Q. And what's your title?

18 A. Special Agent.

19 Q. What's your current assignment with NCIS?

20 A. I'm currently assigned to the FBI's Joint Terrorism Task
21 Force located here in Norfolk, Virginia.

22 Q. And is one of your -- are you one of the case agents, the
23 NCIS case agents, on the matter -- the Shibin matter?

24 A. Yes.

25 Q. Now, in your experience as an NCIS agent have you had

—J. Blitzer - Direct—

1 occasion to gain experience in analysis of phones and
2 connections between phones?

3 A. Yes.

4 Q. And tell us a little bit about that.

5 A. Previously during one of my deployments I had received
6 training on two important topics. One was a deployable
7 forensics course, and the other one was cell phone
8 exploitation. The cell phone exploitation we used
9 successfully over in Iraq, and in that instance what we would
10 do is gain cell phone numbers through various intelligence
11 means, and once we collected those we'd run them against
12 known numbers of terrorists or insurgents and try to connect
13 or make networks based off of those telephone number
14 analyses.

15 Q. Now, are you aware that there were various screen shots
16 taken of Mr. Shibin's phone?

17 A. Yes.

18 Q. And are those contained on Government's Exhibit 2-10?
19 And by that I mean the entire universe of all the screen
20 shots.

21 A. Yes, it is.

22 Q. Okay. Have you reviewed that entire universe of all the
23 screen shots on 2-10?

24 A. Yes, I have.

25 Q. And give the jury a sense. Approximately how many

—J. Blitzer - Direct—

1 individual screen shots were on that 2-10 exhibit?

2 A. Approximately, 900.

3 Q. Now, when you sat down to go through those screen shots
4 what was your purpose?

5 A. My purpose was -- through the investigation we had
6 identified names and numbers that were connected to piracy in
7 some manner or form, whether it was a financier, a
8 facilitator or somebody just related to piracy in general.
9 And once I had established the list from the investigation, I
10 was then able to take that information and run it directly
11 against the phone of Mr. Shibin.

12 Q. Okay. And did you also search generally for information
13 related to piracy on the phone?

14 A. Yes, I did.

15 Q. And based on that search you conducted, did you identify
16 materials in the phone that you considered to be related to
17 your investigation?

18 A. Yes, I did.

19 Q. Did you identify materials in the phone that did not
20 appear to you to be related to your investigation?

21 A. Yes.

22 Q. And can you give the jury a sense -- what kind of things
23 did you say, you know, "This isn't something that is related
24 to my investigation"?

25 A. Sure. There would be searches done using the phone that

—J. Blitzer - Direct—

1 generally -- general news stories, things of that nature,
2 that just had no bearing on what we were looking at. And,
3 so, those are items typically that were of no use.

4 Q. And then were there also contacts between that phone and
5 other phones that were not associated with any individuals
6 you could associate with piracy?

7 A. Correct, yes, there were numerous.

8 Q. So let's go to the materials that you thought were
9 related to your investigation. What, generally, did you do
10 as you located those in your review?

11 A. Once I went through and was able to do a good analysis of
12 it I summarized it in a chart to make it look more simple to
13 read and follow in a chronological order.

14 Q. Okay. And we'll get to that chart. Is that chart based
15 on a series of the actual screen shots that you culled out as
16 related to your investigation?

17 A. Yes, it is.

18 Q. And, generally speaking, are the materials that you
19 reviewed and thought were related to the investigation -- are
20 they collected in the Government Exhibit series 2-10, 2-11,
21 2-12, 2-13 and 2-14?

22 A. Yes, they are.

23 Q. And all of those materials in that series I just
24 described to you, did they all come from Mr. Shibin's phone?

25 A. Yes, they did.

—J. Blitzer - Direct—

1 Q. Okay. So before talking about that summary chart that
2 you created based on the review I'd like to go through the
3 underlying screen shots and information you reviewed so that
4 we can all understand it.

5 Generally, looking at all these roughly 900 images,
6 what was the earliest date range of either communications or
7 texts that you saw in your review of the phone?

8 A. The earliest I noted was in 2008. There are some texts
9 that are saved in the phone from then, and then again --
10 there's a big gap, and then again in the beginning of 2011,
11 and then it goes to the 23rd of February of 2011, is the
12 final.

13 Q. Okay. So tell us about that big gap. Was there nothing
14 really in there between 2008 and 2010?

15 A. Correct, there was nothing else between those dates.

16 Q. Now, do you know why that is?

17 A. No.

18 Q. And, just to be clear, you didn't take these screen shots
19 yourself, right?

20 A. Correct, I did not.

21 Q. Of the materials you reviewed, what seemed to you to be
22 the highest volume of communication frequency? What time
23 period was that?

24 A. Between February 16th of 2011 and February 23rd, 2011.

25 MR. HATCH: Mr. Pierce, if I could, I'll just give

—J. Blitzer - Direct—

1 you a set here so I'm not making you run up a few times.

2 Thank you.

3 BY MR. HATCH:

4 Q. Agent Blitzer, we'll go through these one by one. If we
5 could start with 2-10 A, do you recognize that document?

6 A. Yes, I do.

7 Q. And what is that, generally?

8 A. It's a screen shot of the opening page of Mr. Shibin's
9 phone.

10 Q. Okay.

11 MR. HATCH: Your Honor, I move in 2-10 A and ask to
12 publish.

13 THE COURT: 2-10 A is received in evidence.

14 (The exhibit was admitted into evidence.)

15 THE COURT: You can publish it.

16 MR. HATCH: Thank you, Your Honor.

17 BY MR. HATCH:

18 Q. Showing you 2-10 A, Agent Blitzer, is this a picture of
19 the phone itself?

20 A. Yes, it is.

21 Q. And what is the date that's reflected on this exhibit?

22 A. February 23rd, a Wednesday, and the time stamp is 3:31.

23 Q. Now, let me ask you about this upper right-hand
24 corner -- excuse me, upper left-hand corner. Do you see
25 those two things that I've blown up there, the 1 and 2 with

—J. Blitzler - Direct—

1 the bars?

2 A. Correct.

3 Q. Based on your review and analysis of the phone, did you
4 become -- come to have a conclusion about what those
5 reflected in terms of information in the phone?

6 A. Yes, I did.

7 Q. And tell the jury about that.

8 A. The 1 and 2 you see up in the top left-hand corner
9 represent SIM cards, SIM cards 1 and 2. Which Mr. Shibin had
10 stated to that in some of his statements to the other
11 investigators; that he had two SIM cards in this phone.

12 And then you'll note that the number 1 is
13 highlighted, so the number 1 in here will be the active one.
14 And then you'll see the bars to the right of that, and those
15 are just the bars that are showing the -- actually, it's
16 showing the capability of the phone at that point, and
17 its -- what type of range it has. So...

18 Q. Is that kind of like how well it's connected to the
19 towers?

20 A. Right, how it's connected to the towers, exactly.

21 Q. In this one picture the 1 area is highlighted. Does that
22 indicate the 1 SIM card is being utilized on the phone at
23 that time?

24 A. Correct.

25 Q. Okay. If you could, now look at 2-10 B.

—J. Blitzler - Direct—

1 A. Yes.

2 Q. Do you recognize that as another picture from
3 Mr. Shibin's phone?

4 A. Yes, I do.

5 MR. HATCH: Your Honor, I move in 2-10 B.

6 THE COURT: 2-10 B is received in evidence.

7 (The exhibit was admitted into evidence.)

8 BY MR. HATCH:

9 Q. Okay. Now, you can see on your screen, Agent Blitzler,
10 2-10 B.

11 A. Correct.

12 Q. On -- what is the phone indicating on this display screen
13 on 2-10 B?

14 A. If you look at 2-10 B -- and this helps me later on
15 confirming some of the conclusions I come to, the logical
16 conclusions -- that this is an inbound call. The arrow is
17 pointing to the phone, which shows that the call was coming
18 in. If you look right below that you'll see SIM 2. It shows
19 SIM 2. That's highlighted. And if you go directly to the
20 top of the two numbers we were looking at before the 2 is
21 highlighted as well. So this call is received on SIM 2,
22 SIM 2 is highlighted, and at the bottom you see "Accept" or
23 "Reject," which would be to answer the call.

24 Q. Or not to answer --

25 A. Or not to answer the call.

—J. Blitzer - Direct—

1 THE COURT: What do you mean "Accept" or "Reject"?
2 What does that mean?

3 THE WITNESS: That would be synonymous with like
4 "answer" or "decline" on phones that we have here. To answer
5 the phone would be to accept the phone call, or to reject it
6 to not answer the phone call.

7 THE COURT: So was it accepted or rejected?

8 THE WITNESS: I believe this one just, sir, was gone
9 to -- they just let it ring. But I wasn't there, so I
10 couldn't give you an answer on that specifically.

11 THE COURT: Okay.

12 BY MR. HATCH:

13 Q. Agent Blitzer, do you see here on this phone number
14 that's down here across the bottom -- I'll put another arrow
15 on.

16 A. Yes.

17 Q. That beginning 090, can you explain what that signifies
18 to you?

19 A. Yes. The 090 is an area code, similar to what we have
20 here in the United States. The first three numbers of this
21 is the area code, 090.

22 Q. So the individual aspect of the phone number in this
23 instance would be what?

24 A. 729973. It's just the last six digits. They have
25 six-digit phone numbers as opposed to seven-.

—J. Blitzer - Direct—

1 Q. Okay. Now I'm going to go to what's already been
2 admitted as Government's Exhibit 2-10 C. Tell the jury what
3 2-10 C is.

4 You have to use your screen on that one; it's already
5 in.

6 A. Okay. This is one of two phone books that was found
7 within the phone, and this is labeled "Phonebook 1." It's
8 the first of two.

9 Q. And do you know why there are two phone books on the
10 phone?

11 A. Yeah. Each SIM card would have the ability to contain
12 its own phone book.

13 Q. Now, did you review both of these phone books in your
14 review to find material related to your investigation?

15 A. Yes, I did.

16 Q. And, tell me, this box I've blown up here on page one,
17 does that contain information that was important to your
18 review of the phone?

19 A. Yes. As I talked to you earlier, we initially had made a
20 list of names and numbers that were going to be important,
21 and during my analysis of this that list came in, and one of
22 names was Mohamud Haji Khyr, and here you have "M Haji Khyr."
23 So that became important to me in the analysis as it matched
24 up, and so that's something we looked at.

25 Q. Okay. So did you then, for example, take that Mohamud

—J. Blitzler - Direct—

1 Haji Khyr number and then if you saw it later in actual phone
2 contacts you would then use that to build your summary chart?

3 A. Yes, that's correct.

4 Q. Okay. Let's go to page 2.

5 How about this name Jama Abdikadir?

6 A. Yes, similar fashion there. That name was another name
7 we were interested in, Jam Abdikadir, and so the same goes
8 for that; I would look to see if there was any further
9 contact with that name and/or number throughout the phone.

10 Q. And this name?

11 A. Same goes for this name, Hilaac. Same idea; a name that
12 was important, and, so, as I went through the rest of the
13 phone that was one I also focused on.

14 Q. I'm now going to page 4. Let me ask you about this one
15 here, "M. H. Kh2." Was that significant to you?

16 A. Yes, this one was significant to me as well. If you look
17 at the number 2, this is what caught my attention first,
18 along with the initials M. H. Kh2. It's significant because
19 Mohamud Haji Khyr 2 -- the 2 signified a second telephone
20 number.

21 And if you look through the whole thing you won't
22 see any other initials other than Mohamud Haji Khyr that
23 would fit that same. So the 2 was significant with the
24 initials, and coming to a logical conclusion, that was a
25 second number for Mohamud Haji Khyr.

—J. Blitzer - Direct—

1 Q. And did we already see one contact entry for him?

2 A. Yes, on page 1.

3 Q. And then was there another individual who had a couple of
4 numbers associated again with this number 2?

5 A. Yes, Hilaac. And, again this helped me to come to the
6 conclusion with the previously seen number 2 it's going to
7 indicate a second number for that person.

8 Q. Okay. Now, if you see -- if you look at 2-10 D there in
9 front of you, is that the other phone book from the phone?

10 A. Yes. Yes, this is.

11 MR. HATCH: Your Honor, I would move in 2-10 D.

12 THE COURT: This is from Mr. Shibin's phone.

13 THE WITNESS: Yes, Your Honor, yes.

14 THE COURT: Received in evidence, 2-10 D.

15 (The exhibit was admitted into evidence.)

16 BY MR. HATCH:

17 Q. Now, let me just ask you generally, in looking through
18 this "Phonebook 2" did you locate any numbers that seemed to
19 you to be related to your investigation?

20 A. No, not with this phone book.

21 Q. Now, if you could grab 2-10 E, please.

22 A. Yes.

23 Q. What's 2-10 E?

24 A. This is a screen shot of a text page.

25 Q. Again, from Mr. Shibin's phone?

—J. Blitzler - Direct—

1 A. From Mr. Shibin's phone, yes.

2 MR. HATCH: Your Honor, I would move in 2-10 E.

3 THE COURT: 2-10 E is received in evidence.

4 (The exhibit was admitted into evidence.)

5 BY MR. HATCH:

6 Q. So tell the jury what type of data display is this
7 showing from the phone?

8 A. After reviewing all of it, this is an outgoing text to
9 the number above, which is just the six-digit number 228675,
10 which is one of Mr. Shibin's phone numbers. This is blank,
11 however, so it appears that he's sending himself a blank text
12 with his phone number at the top, and the date is the 1st of
13 January, 2008, at 10:08:08 p.m.

14 Q. So was it significant for you to find this 228675 number
15 in your review of the materials?

16 A. Yes.

17 Q. And why was that?

18 A. This was a number that Mr. Shibin gave as one of his own
19 phone numbers, so this would help quantify that this would be
20 his phone.

21 Q. If you could, look at Exhibit 2-10 F now. Is that
22 another shot from Mr. Shibin's phone?

23 A. Yes, it is.

24 MR. HATCH: Your Honor, if I could move 2-10 F into
25 evidence.

—J. Blitzer - Direct—

1 THE COURT: 2-10 F is received in evidence.

2 (The exhibit was admitted into evidence.)

3 BY MR. HATCH:

4 Q. Now, what was significant to you about the content of
5 this text message in 2-10 F?

6 A. It's a sent text message. It says, "Yassir, please call
7 me at 574024. Shibin." So it's signed with his name texting
8 to someone else, which also helped me come to the conclusion
9 that this would indicate that it is, in fact, Shibin's phone.

10 Q. Now, you talked before about this type of text being an
11 outgoing text message. Do you remember that?

12 A. Yes.

13 Q. How can you differentiate an outgoing versus an incoming?

14 A. You'll see on the incoming text right below the phone
15 number in the upper left-hand corner of the white section it
16 will say "Received," and it will tell you which SIM card it
17 comes to.

18 Q. So if you could, look now at 2-10 G.

19 A. Yes.

20 Q. Is that another screen shot from Mr. Shibin's phone?

21 A. Yes, it is.

22 MR. HATCH: Your Honor, I would move --

23 THE COURT: 2-10 G is received in evidence.

24 (The exhibit was admitted into evidence.)

25 BY MR. HATCH:

—J. Blitzer - Direct—

1 Q. So I'm going to blow up for you here -- at the very top
2 of that box I blew up for you is that what you're indicating
3 the last time?

4 A. Yes, that's correct. You see the "Received" and then
5 this one to SIM 1, and if you look in the top left corner
6 you'll see the 1 is highlighted.

7 Q. So this would indicate an incoming text to the phone from
8 someone else. Is that right?

9 A. That's correct.

10 Q. Now, was there anything significant about how this text
11 was addressed to you?

12 A. Yes. The person sending it -- the first line is
13 "Mohammad Salah Ali Shibin," so they're addressing him by
14 name right from the beginning.

15 Q. Now, let me ask you, you reviewed many text messages in
16 the phone, right?

17 A. Correct.

18 Q. Now, are some text messages too big to fit on one screen?

19 A. Yes, they are.

20 Q. What would happen if it was too big to fit on one screen?

21 A. It would go to another page. You'd have to -- it appears
22 that you would have to scroll to another page, so it would be
23 on a separate screen.

24 Q. During your review of the materials on that phone did you
25 identify searches and the results of searches that were

—J. Blitzer - Direct—

1 related to the Quest?

2 A. Yes, I did.

3 MR. HATCH: Mr. Pierce.

4 I'm handing to the witness Government's Exhibits
5 2-11 A to 2-11 V.

6 BY MR. HATCH:

7 Q. Agent Blitzer, give the jury a sense of what that entire
8 series of exhibits is about.

9 A. These are all text requests for information to the 111
10 service for information with replies -- with Internet replies
11 from that service.

12 Q. And also -- the Internet replies, you said. Okay.

13 MR. HATCH: Your Honor, I move in 2-11 A to 2-11 V,
14 as in "Victor."

15 THE COURT: Assuming it's connected in some fashion,
16 I'm allowing it in evidence.

17 MR. HATCH: Thank you, Your Honor.

18 (The exhibits were admitted into evidence.)

19 MR. HATCH: So if I could get 2-11 A and V on an
20 F1/F2, please.

21 BY MR. HATCH:

22 Q. Agent Blitzer, on the left side of your screen you have
23 2-11 A, and on the right side you have 2-11 B. Can you just
24 read the content of those text messages?

25 A. Sure. It says, "Four Americans hijacked by Somali

—J. Blitzer - Direct—

1 pirates."

2 Q. So is this an incoming or outgoing message from the
3 phone?

4 A. No, this is an outgoing.

5 Q. And what SIM card is being utilized?

6 A. SIM Card 1.

7 Q. Now, you see that notation of 111 across the top.

8 A. Correct.

9 Q. Explain for the Judge and the jury what the 111 feature
10 is.

11 A. Sure. From Mr. Shibin's own statement, that he used a
12 111 statement to make searches on his phone. I then went and
13 did a little extra research on -- or extra research on that
14 to figure out what it was. Golis is the name of the cell
15 phone provider for Puntland in Somalia, and as part of their
16 phone system they have something called the Xogmaal service.
17 That service is this 111, and what that means is you can send
18 a text to the 111 and somebody on the other end will do an
19 Internet search for you and reply back via another text that
20 will come back and will say, "Received from 111."

21 So it's just a request for information, an Internet
22 search, but you don't specifically do it on your phone, like
23 some smartphones do here. You send this text to them, and
24 they would text you back a result.

25 Q. And these two texts and these two exhibits we have

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1 displayed now appear to be identical in content, but are they
2 identical in the time they were sent?

3 A. No. They're sent approximately seven minutes apart, so
4 the first one being on 19 February 2011 at 2:26 and the other
5 one being 19 February 2011 at 2:33. And --

6 Q. Now, when you reviewed the materials were there several
7 instances where you had the same or similar searches that
8 occurred in or around the same time frame?

9 A. Correct. There was -- on numerous occasions you would
10 see the same thing. You would see the same message sent
11 twice, minutes apart.

12 Q. And when you were constructing, then, your summary chart
13 to categorize and log all of these would you make separate
14 notations for each separate search event?

15 A. Yes, each one is separately annotated in the summary
16 chart.

17 Q. Now I'm going to move to 2-11 C.

18 (There was a pause in the proceedings.)

19 BY MR. HATCH:

20 Q. All right. Agent Blitzer, can you describe what
21 2-11 C(1) -- what type of information from the phone this is?

22 A. Yes. This is a result from the 111 request of
23 information. As you see right at the top it says,
24 "Received," and below that, "Web Search," and then it reads,
25 "Somali pirates seize yacht with four Americans" -- and this

—J. Blitzer - Direct—

1 is from CNN. "Somali pirates hijacked a yacht with four
2 Americans on board in the Indian..." -- and then it goes on
3 to the next page.

4 Q. Okay. I'll go to the next page.

5 A. This is just a continuation from the first, "...Indian
6 Ocean, U.S. military officials said Saturday. The identities
7 of the Americans were" -- and then it has a break, and then
8 it goes on to say, "Somali pirates seize yacht with four
9 Americans."

10 Q. And then I'm going to go to the last page of that
11 exhibit.

12 A. Sure.

13 Q. Oh, I got ahead of myself here.

14 A. Yeah, one back.

15 (There was a pause in the proceedings.)

16 BY MR. HATCH:

17 Q. So is this an example, 2-11 C, of an instance where one
18 text is too long to fit on an individual page?

19 A. Yeah, correct. So it has multiple pages, as you can see,
20 and that's why you have to scroll down to get through the
21 full message.

22 Q. And then at the very end is there a notation of the time
23 when the phone receives the information?

24 A. Yes.

25 Q. Now, did you notice as you were going through these

—J. Blitzer - Direct—

1 occurrences where the news articles seem to have a news date
2 that was inconsistent with the date that the screen shots
3 were taken?

4 A. Yes.

5 Q. And explain that, if you could.

6 A. To be quite honest, I'm not a hundred percent why it's
7 inaccurate, but you'll see on the bottom of this one the date
8 is way off from the phone time/date stamp that you'll see.
9 That could be a typographical error when they sent the text
10 back, but I don't have a hundred percent surety why the date
11 is so askew.

12 Q. All right. I'm going to go to 2-11 E.

13 Agent Blitzer, what is -- you've got it on your scene
14 there now. What is 2-11 E?

15 A. 2-11 E is another outgoing text message to the 111, and
16 it says, "Hijacked S/V Quest by Somali pirates."

17 MR. HATCH: If I could get an F1 on 2-11 A and an F2
18 on 2-11 E, please.

19 BY MR. HATCH:

20 Q. So 2-11 A we covered earlier, Agent Blitzer. You recall
21 that: "Four Americans hijacked by Somali pirates."

22 On 2-11 E when does 2-11 E occur, this search, in
23 relation to 2-11 A?

24 A. This search is done after he gets the results of the
25 first search, and in that news article at the end it talks

—J. Blitzer - Direct—

1 about the Quest and the names of the owners of the Quest. So
2 from the first one where it's four Americans to the second
3 one it changes to now be searching specifically for the
4 Quest.

5 Q. And you're saying the Quest information was in that CNN
6 article he looked at?

7 A. That's correct.

8 MR. HATCH: All right, thank you. You can get out
9 of the Fs.

10 BY MR. HATCH:

11 Q. Now showing you 2-11 F, is this the same search again but
12 at a slightly different time?

13 A. Yes, it is.

14 Q. And now 2-11 G.

15 MR. DEPADILLA: Mr. Hatch, you're one behind each
16 time.

17 MR. HATCH: Here we go. Thank you.

18 BY MR. HATCH:

19 Q. Now showing you 2-11 G, what is 2-11 G in relation to the
20 exhibits we've just been reviewing?

21 A. 2-11 G is the receipt of that second search, the
22 information provided by 111.

23 Q. And when you refer to the "second search" is that the
24 search that had the S/V Quest query in it?

25 A. Yes, that's correct, the one that asked about the

—J. Blitzer - Direct—

1 hijacking of the S/V Quest.

2 Q. Okay. And do you see that -- is that information
3 contained in the Web search portion of this?

4 A. Yes, it is, "Somali pirates snatch four from U.S. yacht
5 S/V Quest."

6 Q. And if we look -- I'm going to go to page 5 of that
7 exhibit. What's the date and time there on the phone that
8 the information was received?

9 A. February 19th, 2011, at 3:04:38 p.m.

10 Q. And do we see here an example of this news date/time
11 above that appears to be incorrect?

12 A. Yes, that's the same date we see on most of the -- well,
13 all the ones on the 19th, that same date.

14 Q. I'm showing you 2-11 I. What is 2-11 I?

15 A. 2-11 I is another 111 search. This time it's for
16 information in regards to Jean and Scott Adam and their
17 telephone number; however, there's a mistake on the text.

18 Q. And what's that mistake?

19 A. The mistake is that their last name is Adam and not
20 Adams, with an S. It's A-D-A-M, not A-D-A-M-S.

21 MR. HATCH: If I could get F1 on 2-11 E and F2 on
22 2-11 I.

23 BY MR. HATCH:

24 Q. You'll see now on the left side of your screen 2-11 E and
25 on the right side 2-11 I. About how much time has elapsed

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1 between these two searches?

2 A. It's approximately an hour and a half.

3 Q. And what has changed in the content of the search?

4 A. What's changed is looking for information for the Quest
5 and looking for information regarding to the owners.

6 Q. And their contact information?

7 A. And their contact information; specifically, telephone
8 number.

9 Q. Okay. Thank you.

10 Now I'm going to publish 2-11 J. What is 2-11 J,
11 Agent Blitzer?

12 A. This is the results from the search asking about Jean and
13 Scott Adam's telephone number, and, as you can see, the
14 result comes back with a name saying "Jean Scott" and then
15 below you see the name "John Adams." So the names are
16 contained within this message, but they're incorrect and
17 they're not together.

18 Q. So does the introduction of the incorrectly spelled Adams
19 versus Adam lead to this bad result?

20 A. Correct.

21 Q. This person, Elizabeth Jean Scott, was not one of the
22 victims on the Quest, correct?

23 A. That's correct.

24 Q. Okay. Now I'm going to publish 2-11 K. Is this one of
25 the next searches you see, Agent Blitzer?

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1 A. Yes, that's correct, "Address for the hijacked S/V Quest
2 owner."

3 MR. HATCH: If I could get 2-11 I as an F1 and
4 2-11 K as an F2.

5 BY MR. HATCH:

6 Q. So we have on the left 2-11 I and on the right 2-11 K.
7 About how long apart are these two searches?

8 A. Well, again, it's approximately seven minutes.

9 Q. Okay. And now I'm going to publish 2-11 M.

10 What is 2-11 M, Agent Blitzer?

11 A. This is the result from the search asking about the
12 address of the owners of the Quest, so the first part you see
13 is kind of a generic find/locate -- "Find location and
14 contact for people in business you've been searching for."
15 So it's not specific to the owners of the Quest, as the -- as
16 his text asks for.

17 And the bottom part brings up the "Somali pirates
18 hijack U.S. yacht," so again it doesn't really answer the
19 question.

20 Q. Okay. And this 2-11 M -- I've now gone to the last page
21 of that exhibit. What is the date and time that that
22 information was received?

23 A. That's February 19th, 2011, at 4:12:36 p.m.

24 Q. Okay. Now I'm going to publish 2-11 N. Do you see that
25 on your screen?

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1 A. Yes.

2 Q. Is this the next search?

3 A. Yes, this is the next search.

4 Q. And is there an error in this search as well?

5 A. Yes. Again, the last name is misspelled. It's spelled
6 with an S, A-D-A-M-S, as opposed to Adam, A-D-A-M.

7 MR. HATCH: And if I could get K as an F1 and M as
8 an F2.

9 BY MR. HATCH:

10 Q. Starting here on the left, the "Address of hijacked S/V
11 Quest owner," that search was performed at what time?

12 A. That was 19 February 2011, at 3:43 p.m.

13 Q. Okay. And then the one we just saw, Jean and Scott
14 Adams' profile, when was that performed?

15 A. That's February 20, 2011, at 2:39:21 p.m.

16 Q. Now I'm going to publish 2-11 P. Was is 2-11 P?

17 A. This is the result of the search for Jean and Scott
18 Adams' profile.

19 Q. And has the incorrect spelling of Adams yet again
20 resulted in a bad search here?

21 A. Yes, it has. The result of this says, "Jean Adams
22 Scott," and then it talks about Baltimore, Maryland, a
23 company profile, Jean Adams Scott company profile in
24 Baltimore, Maryland.

25 Q. So is this Jean Adams Scott, then, associated with

—J. Blitzer - Direct—

1 Baltimore, Maryland, by the search?

2 A. Yes. According to the search, this person, Jean Adams
3 Scott, is associated with Baltimore, Maryland.

4 Q. Okay. Now I'm going to publish 2-11 R. What does this
5 text state?

6 A. This text is asking for the value, "Hijacked S/V Quest
7 value."

8 Q. And what is the date and time on that text?

9 A. It is 20 February 2011, at 4:10:21 p.m.

10 MR. HATCH: Now, could I get 2-11 N as an F1 and R
11 as an F2, please.

12 BY MR. HATCH:

13 Q. Agent Blitzer, roughly how much time has elapsed between
14 these two searches, now?

15 A. It's a few hours.

16 Q. I'm going to publish 2-11 S. What is this text?

17 A. This text is looking for a Maryland USA telephone code,
18 but you'll notice that Maryland is misspelled with two Rs.

19 Q. Now, where have we seen Maryland in the materials we've
20 reviewed?

21 A. In the previous search for -- the results of the search
22 for the Jean Scott Adams' profile. The result was a Jean
23 Adams Scott related to Baltimore, Maryland.

24 MR. HATCH: Now, if I could get R as an F1 and S as
25 an F2, please.

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1 BY MR. HATCH:

2 Q. Agent Blitzer, roughly how much time has elapsed between
3 these two searches?

4 A. It's approximately an hour.

5 Q. An hour or -- I'll blow up the time for you there.

6 A. Okay, thank you. I couldn't see it.

7 4:10 -- could I see the other one? So approximately
8 five hours.

9 Q. I'm going to publish 2-11 T. What's 2-11 T?

10 A. Again, 2-11 T is a "Maryland of USA telephone code" and
11 Maryland is also misspelled again.

12 Q. Now, have we moved to a new day on this search?

13 A. Yes. It's February 21st, 2011, at 2:33:21 p.m.

14 MR. HATCH: So if I could get the F1 on S and F2 on
15 T, please.

16 BY MR. HATCH:

17 Q. Approximately how much time has elapsed between the
18 search on the left and the search on the right?

19 A. Was it nine?

20 Q. Well, maybe you can just give me the time of the search
21 on the left.

22 A. It's 9:46:21 p.m., and then the following day it's
23 2:33:21 p.m.

24 Q. Now I'm going to publish 2-11 U.

25 MR. HATCH: Can you --

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1 MR. DEPADILLA: Yes.

2 MR. HATCH: Thanks.

3 BY MR. HATCH:

4 Q. Agent Blitzler, what's the phone telling the user now?

5 A. It's the receipt of the search for the Maryland, USA
6 telephone codes, and so it's asking, "Were you looking for
7 Maryland of USA telephone code?" And then "Web search:
8 Telephone country code Maryland. Description: Telephone
9 country code Maryland."

10 Q. And now I'll publish 2-11 B.

11 Agent Blitzler, tell the jury what type of display is
12 this on the phone?

13 A. This is showing the "Sent" box, which also helped me come
14 to the logical conclusion that you saw. The third one down
15 said "Maryland," again with the misspelling, and it's in the
16 "Sent" box so it's showing that it was sent from this phone
17 out to 111.

18 MR. HATCH: With Mr. Pierce's assistance, I'm
19 handing up Government's Exhibits 2-12 A to 2-12 V.

20 THE COURT: 2-12 V as in "Victor"?

21 MR. HATCH: As in "Victor," Your Honor, yes.

22 (There was a pause in the proceedings.)

23 BY MR. HATCH:

24 Q. Agent Blitzler, when you went through those materials on
25 the phone did you identify other searches from the phone that

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1 were related to piracy but not specifically the piracy of the
2 Quest?

3 A. Yes, that's correct.

4 Q. And are some of those searches collected in the
5 Government's Exhibit 2-12 series you just reviewed?

6 A. Yes, they are.

7 MR. HATCH: Your Honor, I move in Government's
8 Exhibits 2-12 A through 2-12 V.

9 THE COURT: They are received in evidence.

10 (The exhibits were admitted into evidence.)

11 MR. HATCH: If I may publish, Madam Clerk.

12 THE CLERK: Yes, sir.

13 BY MR. HATCH:

14 Q. And I'll publish first 2-12 J. Agent Blitzer, what's the
15 content of this text and the date?

16 A. This is a context that says, "Hijacked Italian tanker
17 ship by Somali pirates." It's on 9 February 2011, at
18 5:11:57 p.m.

19 Q. Okay. I publish 2-12 M. And if you could do the same,
20 please.

21 A. Yeah. "Hijacked Savina Caylyn oil tanker," February 11,
22 2011, 6:22:36 p.m.

23 Q. 2-12 P.

24 A. This states, "What are Italian telephone codes,"
25 February 11, 2011, 9:16:36 p.m.

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1 Q. And did that appear to be related to the Italian ship
2 that was hijacked in the proximity of time?

3 A. Yes.

4 Q. 2-12 S.

5 A. It states, "M/V Savina Caylyn telephone number," it's on
6 12 February 2011, 6:12:24 p.m., and it has relation to the
7 previous search for the hijacked vessel.

8 Q. And 2-12 T?

9 A. "M/V Savina Caylyn sat phone number," February 12, 2011,
10 at 6:18:24 p.m.

11 Q. Now, based on your review -- thank you. You can put
12 those down.

13 A. Okay.

14 Q. Based on your review of the materials and the phone, were
15 there text messages that you located that were in the Somali
16 language?

17 A. Yes, there were.

18 Q. I'm handing you 2-13 A to 2-13 M, as in "Mary."

19 So are the 2-13 A series of exhibits I just handed
20 you those Somali text messages you identified as related to
21 your investigation?

22 A. Yes, they are.

23 MR. HATCH: Your Honor, I move in 2-13 A to 2-13 M.

24 THE COURT: 2-13 A through 2-13 M are received in
25 evidence.

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1 (The exhibits were admitted into evidence.)

2 THE COURT: I assume you're going to tie all this in
3 to something.

4 MR. HATCH: I will, Your Honor.

5 THE COURT: All right. Let's move along, then.

6 MR. HATCH: Thank you.

7 If I may publish 2-13.

8 THE CLERK: Is it 2-13 A through M?

9 MR. HATCH: The entire series, yes.

10 BY MR. HATCH:

11 Q. So, are each of these Somali text message exhibits
12 comprised of two pages?

13 A. Yes.

14 Q. And what will the jury find on the first page of each
15 exhibit?

16 A. On the first page you see just the raw, unaltered Somali
17 language on it.

18 Q. Okay. So is the first page of 2-13 A that we're looking
19 at that we've got just the Somali?

20 A. Correct.

21 Q. And then the second page of 2-13 A, what does the second
22 page show?

23 A. The second page shows that with the English translation
24 attached at the bottom. It's in the blue box with the yellow
25 writing.

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1 Q. Okay. So for this particular one what is the individual
2 saying in this text?

3 A. "It is Liban."

4 Q. And is this an incoming or outgoing text?

5 A. Incoming, as you'll note the "Received" up in the
6 left-hand corner of the white.

7 Q. Okay. So why did you select this text as being related
8 to your investigation?

9 A. The name Liban. More specifically, Liban Abdurahman was
10 the name that we identified and were interested in.

11 Q. So in this exhibit, though, you only have the name Liban.
12 You don't have the full name, right?

13 A. Right.

14 Q. Now I'm going to publish 2-13 B(2). Can you read for the
15 jury what this text says?

16 A. It says, "Uncle, call me." This is Liban Abdurahman, and
17 if you note the number at the top 798401 it was the same in
18 the previous.

19 Q. So does this confirm to you that that phone number,
20 798401, was associated with the individual Liban Abdurahman?

21 A. Yes, that's correct.

22 Q. I'm going to publish 2-13 C(2). What does this text say?

23 A. This text gives the phone number of 255506, and it says,
24 "Call Hilaac at 255506."

25 Q. Now, let me ask you about this one. The name across the

—J. Blitzer - Direct—

1 top, Fowzia MSH, do you recall that?

2 A. From the phone book, yes.

3 Q. Okay. Now, is that one of the names you were looking for
4 as related to your investigation?

5 A. It was not.

6 Q. So why did you select this slide?

7 A. Because of the name Hilaac, which you saw previously in
8 the phone book for two numbers. This would make a third.

9 Q. So this 255506 is different from the two numbers in the
10 contacts list.

11 A. That's correct.

12 Q. So when you were constructing your summary chart of all
13 the contacts with Hilaac did you use any contacts with any of
14 those three numbers associated with him in the phone?

15 A. Yes.

16 Q. And I'm going to be publishing 2-13 D(2). What does this
17 text state?

18 A. This text states, "Sarin-daaq captured Americans."

19 Q. Now, let me ask you about that number, 349092.

20 A. Yes.

21 Q. Were you ever able to associate that number with a
22 particular individual?

23 A. I was not.

24 Q. And, so, why is this slide related to your investigation?

25 A. Due to the content of that, along with other messages

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1 sent by that number, the number itself was just taken and
2 used due to the content of the information it was sending.

3 Q. Now, let me ask you, in the phone number you'll see
4 there's a 252 in the beginning of it at the top.

5 A. Yes.

6 Q. What does that 252 denote?

7 A. The 252 is a country code, similar to what we have here
8 for the United States.

9 Q. And do you see how part of that 2 is cut off there --

10 A. Correct.

11 Q. -- in the upper left-hand corner?

12 Can you explain to the jury what would happen if a
13 particular phone number was too long to fit easily on one
14 screen?

15 A. Sure. If it's a phone number or name that's too long it
16 scrolls across the top, as opposed to sitting in the middle.
17 So if it's too long you'll see in some slides the number will
18 be cut off at the front or the back, and that's because it's
19 moving across the top of the screen.

20 Q. Now, in those circumstances did you have two pictures
21 that showed the whole number if you put them, essentially,
22 side by side?

23 A. Yes, that's correct.

24 Q. I'm going to show you 2-13 G, page 2. What was -- why
25 was this text selected as related to your investigation?

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1 A. For the name M. Haji Khyr, which we identified in the
2 phone book earlier. And, so -- and it reads, "Uncle, were
3 you hurt this morning?"

4 Q. And now 2-13 I, page 1. What phone number is sending
5 this text?

6 A. This is the number we just had previously seen, 349092.

7 Q. So if you take another screen you can supply the two to
8 this, correct?

9 A. Right.

10 Q. Now, what is this number forwarding information to the
11 phone about?

12 A. This number is specifically forwarding it to Mr. Shibin's
13 phone talking about, "Pirates hijack two ships," and why
14 that's different is because you'll see in the corner of that
15 one it says, "Received text" -- or "Received SIM 2," excuse
16 me. And when you see that it doesn't correspond with what I
17 was talking about earlier. If you look at his corner it
18 says -- "SIM 1" is highlighted. That's because this is a
19 forwarded message from that number to Mr. Shibin, not a
20 request that he did to 111.

21 Q. Okay. So if I highlight -- you're saying this first red
22 arrow is indicating to you that the SIM 1 is being utilized.

23 A. That's correct.

24 Q. But it says, "Received SIM 2."

25 A. Correct.

—J. Blitzler - Direct—

1 Q. So was the fact that this phone number was sending
2 information about Somali piracy incidents to Mr. Shibin's
3 phone -- did that further confirm for you that this was the
4 phone number you wanted to include in your summary chart?

5 A. Yes.

6 Q. Now, during your review of the phone materials did you
7 identify data on the phone regarding recent contacts?

8 A. Yes.

9 Q. Can you explain to the jury what different types of data
10 regarding recent contacts did the phone capture?

11 A. It would capture calls that were made for outgoing calls
12 and incoming calls, as well as missed calls.

13 MR. HATCH: Mr. Pierce, if I could call upon you
14 again. 2-14 A to 2-14 N.

15 THE COURT: N as in "nanny"?

16 MR. HATCH: N as in "nighttime."

17 THE CLERK: Say again.

18 MR. HATCH: 2-14 A, alpha, to 2-14 N.

19 THE COURT: All right.

20 BY MR. HATCH:

21 Q. Agent Blitzler, are 2-14 A to 2-14 N the contacts that you
22 identified as related to your investigation that you used to
23 construct that summary chart?

24 A. Yes, it is.

25 MR. HATCH: Your Honor, I would move in 2-14 A to

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1 2-14 N.

2 THE COURT: 2-14 A through N are received in
3 evidence.

4 (The exhibits were admitted into evidence.)

5 MR. HATCH: Thank you, Your Honor. I will publish
6 2-14 A.

7 BY MR. HATCH:

8 Q. Okay. Agent Blitzer, if you could first just describe
9 for the jury how this recent contacts display is set up.

10 A. Sure. If you look at the one that's highlighted right
11 now you'll see that it's only showing you the year and the
12 time. If you un-highlight it it will go back to the
13 beginning and it will show you the full date.

14 And below that you see the word "Time" and that
15 indicates whether or not there was some duration of the call.

16 Q. Okay. So let's start up at the top.

17 What is this first category of information in the
18 recent contacts?

19 A. This is the phone number, 255506, which we just talked
20 about that we saw in a text message which said, "Call Hilaac
21 at 255506." So we know that this number is directly
22 correlated to Hilaac, even though it's listed as unknown in
23 this phone.

24 Q. Now, is it unknown because Hilaac's name was not entered
25 into the actual phone contact list that we reviewed earlier?

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1 A. That's correct.

2 Q. Now, I'm going to draw an arrow. See this "(25)" here in
3 the upper right-hand corner?

4 A. Yes.

5 Q. What does that tell you?

6 A. There were 25 contacts with this number.

7 Q. Now, then below and in the ensuing pages in this exhibit
8 will it give you the screen shots showing the information on
9 all the 25 contacts?

10 A. Yes.

11 Q. And see how there's a 1 over here on the left for the
12 first contact that's highlighted?

13 A. Correct.

14 Q. How are the contacts organized within -- so if here we
15 have 25, how are they organized 1 to 25?

16 A. It would be like a reverse chronological order, so the
17 most recent would be closest to the date.

18 For example, if it was today it would be today.

19 Then you're going to work backwards in time.

20 Q. And, so, let's focus in on one so we understand how to
21 use it.

22 My first arrow -- what part of the contacts
23 information is that going to give me?

24 A. That's going to give you the year.

25 Q. And that's where you're saying I have to go to the next

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1 screen -- the next screen to see the actual -- the rest of
2 that date information. Is that right?

3 A. Right.

4 Q. Okay. But before we do that, what's my second arrow
5 going to give me?

6 A. That's going to give your time stamp. This particular
7 one is 7:44 p.m.

8 Q. Okay. So that's when the contact was made or attempted
9 to be made. Is that right?

10 A. That's correct.

11 Q. Now, what's the third arrow that says "Time" here?

12 A. Right, that part is going to tell you if there was a
13 duration of calls. So if they spoke or there was a
14 connection it will list, you know, in time how much time had
15 passed, whether it's seconds, minutes, whatever.

16 Q. Okay. So here we have no time, so what does that
17 indicate to you?

18 A. That there was no contact made.

19 Q. Now I'm going to the second page of this exhibit. So if
20 we see here -- now the yellow highlight has moved down to the
21 second contact. Is that right?

22 A. Yes, that's correct.

23 Q. And, so, what does that enable us to see from the first
24 contact we've been looking at before?

25 A. That scrolls over so you can see the entire date, which

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1 in this case is the 21st of February, 2011.

2 Q. Okay. Now I'm going to publish 2-14 C.

3 So in this case does the phone tell us who the
4 contact is from?

5 A. Yes, it does.

6 Q. And why does it do that?

7 A. Because it has been listed in the phone book as such.

8 Q. And are you able to tell, based on your review, whether
9 this contact is an incoming or an outgoing type of contact?

10 A. This particular one would be an incoming. If you look to
11 the little phone, as I spoke in the very beginning, the arrow
12 is pointing to the phone, showing that it's an incoming call,
13 and you'll see in other calls if the arrow is pointing away
14 that it's an outgoing call.

15 Q. Now, for example, if we look to the first contact listed
16 in this series, how long was that phone call?

17 A. 47 seconds.

18 Q. Now I'll go to 2-14 D. Agent Blitzer, have we seen this
19 number, 380303, before?

20 A. Yes, we have.

21 Q. And where did we see that?

22 A. We did see that in the phone book.

23 Q. So if it's in the phone book why does it come into this
24 contacts list as an unknown?

25 A. Because it doesn't have the full number that it was

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1 listed in the phone book with. In the phone book it was
2 (090) 380303, and here you don't have the 090 so it doesn't
3 bring up the name.

4 Q. Okay. So when you went about constructing your summary
5 chart would you use this, though, as a contact?

6 A. Yes.

7 Q. Because is the area code of any significance in terms of
8 whether the call happened or it was with the person you were
9 looking for?

10 A. No.

11 Q. Okay. So to go briefly back to 2-10 C(1), is that that
12 number you said you had identified before --

13 A. Yes, it is.

14 Q. -- the 380303? Okay.

15 Now I'm going to 2-14 I. Agent Blitzer, tell the
16 jury what type of contact this is.

17 A. If you see the circle with the line through it it
18 indicates a missed call or a call that wasn't picked up.

19 Q. And is that further confirmed by the lack of any duration
20 to the time of the call?

21 A. Yes, it is.

22 Q. And now I'm going to go to 2-14 N. Why was this call
23 identified to you as related to your investigation?

24 A. If you look at the last three numbers of this it's 104.
25 They're transposed. If it was 401 it would match up with

—J. Blitzer - Direct—

1 Liban, so it would be of significance. And if you look at
2 the time versus the time of the call that actually goes
3 through to that number it's approximately, I believe, just
4 right beforehand.

5 Q. So this call is to a wrong number. It's to 104, right?

6 A. That's correct.

7 Q. And there's no time, right?

8 A. Correct.

9 Q. Now, in your summary chart will we see a call about a
10 minute later to the Liban number, 401, that does go through?

11 A. Yes.

12 Q. All right. I think I handed up to you a while ago
13 2-10 H. Do you still have that in your stack?

14 A. I think I have --

15 Q. It was hiding. Here you go.

16 And do you recognize 2-10 H?

17 A. Yes, I do.

18 Q. And what is that?

19 A. This is the summary chart.

20 Q. And does that summary chart fairly and accurately record
21 all the contacts you identified as related to your
22 investigation?

23 A. Yes, it does.

24 MR. HATCH: Your Honor, I would move into evidence
25 2-10 H.

—J. Blitzer - Direct—

1 THE COURT: 2-10 H is received in evidence.

2 (The exhibit was admitted into evidence.)

3 MR. HATCH: Your Honor, may we approach just for one
4 brief minute on this?

5 THE COURT: Yes.

6 (The following was heard at the sidebar out the
7 hearing of the jury:)

8 MR. HATCH: Your Honor, I just wanted to advise the
9 Court after we loaded this exhibit into our system for its
10 display we noticed there was an error in one of our exhibit
11 numbers which is in the column, and so the correct one Agent
12 Blitzer just put in but the one we'll display has a couple of
13 exhibits that have the wrong letter. I don't think the jury
14 will be able to see it, but I want to be able to display the
15 one that's in our system, so I advised Mr. Broccoletti, and
16 he didn't have any problem with it.

17 THE COURT: You can do whatever you want if
18 Mr. Broccoletti doesn't object. I don't care.

19 MR. BROCCOLETTI: Okay. Judge, while we're up
20 here -- this will be your last witness.

21 MR. HATCH: Correct.

22 MR. BROCCOLETTI: I'm not going to take that long
23 with him, so if I can complete the cross today --

24 THE COURT: I can't do it. I can't. I'm not going
25 to, Mr. Broccoletti. I always quit when I tell the jury I'm

—J. Blitzer - Direct—

1 going to quit. We go 9:30 to 4:30. Because people plan, and
2 I don't want to force them.

3 MR. BROCCOLETTI: My only concern, Your Honor, is
4 when we come back tomorrow morning we'll have maybe five or
5 ten minutes with him and then a substantial break while we do
6 motions and things like that.

7 THE COURT: We'll do that tomorrow morning.

8 MR. HATCH: I may be able to get it done in that
9 time.

10 MR. BROCCOLETTI: Yes, sir.

11 (The proceedings resumed in open court as follows:)

12 MR. HATCH: Okay. If I may publish 2-10 H, Your
13 Honor.

14 THE COURT: 2-10 H.

15 BY MR. HATCH:

16 Q. Agent Blitzer, can you just describe for the jury what
17 are the different columns that they'll see in the summary
18 chart that you've created?

19 A. Sure. You'll see, starting from the top left to right,
20 the telephone number. And for this in the summary way, to
21 simplify it, I did not add all of the 252, 090. You'll just
22 see the telephone number, six digits, for all of these.

23 The next column over, "Identity," that's going to be
24 if there was something in the phone book that we were able to
25 identify then we would put a name. If not, then it would be

—J. Blitzler - Direct—

1 blank, like you see for the first two there.

2 The next over is "Date." That's the date that the
3 phone would show that the event occurred, whether it was a
4 phone call, a text or an Internet search. And this is done
5 in chronological order from the 16th through the 23rd.

6 Next over is the "Time." Same with that; the time
7 is the time that the phone indicated of the event, and that
8 is followed by the summary box.

9 The summary box -- if there's a phone call you'll
10 see that it's blank. The first one down you'll see is just a
11 quick summary of what that entailed. If it was too long we
12 didn't put the -- I didn't put the whole thing in there. And
13 then if you come down two more to the first one it says it is
14 Liban. You'll see that's in quotes. If it's in quotes it's
15 directly what you'll find in that exhibit number.

16 "Duration" you'll see if it's a call. If there was
17 none it will be a zero. If there's a text message, it will
18 be annotated as "Text MSG." And then you'll see if there was
19 a call made and there was duration it's done in seconds. So
20 you'll see that first one, the third down, says 77. That
21 would be one minute, 17 seconds.

22 The next box over you'll see "Incoming/Outgoing."
23 That's just if it was incoming to Mr. Shibin's phone or
24 outgoing from Mr. Shibin's phone.

25 And the last box you'll see there is the exhibit

—J. Blitzer - Direct—

1 number. It directly correlates with the actual exhibit or
2 screen shot, the ones we've been going through. So to go
3 back and look you could pull them up directly and look at the
4 picture that goes with that entry.

5 Q. Okay. And I'd like to walk through this with you. Let
6 me first ask you -- in the identity column here I've pulled
7 out a portion of that.

8 You have "Golis X" -- I'm not going to try the middle
9 word there. "Golis service." Do you see that?

10 A. Yes.

11 Q. What does that denote?

12 A. Right. Earlier I spoke of the Golis Xogmaal service.
13 Xogmaal just stands for info fetch, so the 111 service that
14 we spoke of earlier. That's where you text in information
15 and receive it back.

16 THE COURT: Would you go over that again?

17 MR. HATCH: Yes.

18 THE WITNESS: Yes, Your Honor.

19 BY MR. HATCH:

20 Q. So in the phone we went over before several messages that
21 were sent to this 111 service, right?

22 A. Correct.

23 Q. And they were, essentially, questions or search queries.

24 THE COURT: So this is the Google form of -- is that
25 what it is, in essence?

—J. Blitzler - Direct—

1 THE WITNESS: In essence, yes, Your Honor.

2 THE COURT: Thank you.

3 MR. HATCH: As Your Honor can see, I've now expanded
4 that out.

5 BY MR. HATCH:

6 Q. And, Agent Blitzler, what's in the left-most column that's
7 associated with those Golis searches?

8 A. The number 111.

9 Q. Now, what have I highlighted here on the screen? Do you
10 see that?

11 A. Yeah. These are all related to the number 349092.

12 Q. So are these all the contacts with that number that
13 appear on the first page?

14 A. Correct, these are all on the first page.

15 Q. And, now, what's this entry here?

16 A. This is the -- for Mohamud Haji Khyr's number, 748187,
17 and the contacts on this page.

18 Q. And this call occurs on what date?

19 A. The 17th of February, 2011.

20 Q. Now, are all of the highlighted contacts right now
21 leading up to the February 18th time period?

22 A. Yes, it is.

23 Q. Now, what areas are highlighted in the chart now?

24 A. These are all 111 requests for information regarding the
25 Quest.

—J. Blitzer - Direct—

1 Q. And what date/time period are we in now?

2 A. It's 19 February of 2011.

3 Q. So the top two, are those the two close-in-time queries
4 for four Americans hijacked by the Somali pirates?

5 A. Yes, it is.

6 Q. And then are the bottom two another set of close-in-time
7 queries?

8 A. Yes, it is.

9 Q. And then what's now highlighted?

10 A. You'll see here highlighted is the results of those two
11 searches, the back-to-back as well.

12 Q. So when he sends out two queries that are similar at the
13 same time he gets back two results?

14 A. Two results, correct.

15 Q. And what individual was he contacting on February 18th
16 via text message?

17 A. This is Liban Abdurahman.

18 Q. Now we're on the second page of your summary chart. What
19 are we seeing highlighted here?

20 A. Again, these are results from searches done previously
21 from the 111 relating to the Quest.

22 Q. And what's this one that's highlighted?

23 A. This is the one that we saw earlier that asked to call
24 Hilaac at 255506.

25 Q. And are we still on the 19th?

—J. Blitzer - Direct—

1 A. Yes, we're still February 19th.

2 Q. And what's highlighted now?

3 A. These are requests for more information regarding the
4 Quest, text searches to the 111 service.

5 Q. Still on the 19th?

6 A. Yes, still on the 19th of February, 2011.

7 Q. Now what have I highlighted?

8 A. You've now highlighted numbers relating to the 349092
9 number.

10 Q. And now what kind of communications are highlighted?

11 A. These are the -- these are all the ones related to the
12 Haji Khyr number of 380303 that we saw earlier.

13 Q. Okay. And is there one other number for him down at the
14 bottom there?

15 A. Yes. This is his second number at the bottom, which is
16 the 748187.

17 Q. And when are these communications with Haji Khyr
18 occurring?

19 A. These are all taking place on the 19th of February, 2011.

20 Q. Now who is being contacted?

21 A. You'll see the name Hilaac at 255506, still on the 19th
22 of February, 2011.

23 Q. And is that the same day that he gets the text to call
24 Hilaac at that number?

25 A. Yes, it is.

—J. Blitzer - Direct—

1 Q. Now I'm on page 3. What are we showing here in
2 highlights?

3 A. You'll see the first one is still the February 19th.
4 This is contact with the unknown, the number 349092. The
5 rest of the page moves on to the next day, the 20th of
6 February.

7 Q. Now what's highlighted?

8 A. These are all contacts with Liban Abdurahman at 798401.

9 Q. And are these all occurring on February 20th?

10 A. Yes, all these occur on February 20, 2011.

11 Q. And in between these contacts with Liban Abdurahman what
12 are these highlighted portions showing?

13 A. These are continued searches for information with regard
14 to the Quest and the owners.

15 Q. And what is that showing?

16 A. This is the receipt of information that he was requesting
17 through the Internet service, the 111 service, regarding the
18 owners of the Quest.

19 Q. And then there are more contacts with another individual
20 on that day?

21 A. Yes. This is Hilaac at the second number that we see for
22 him at the bottom there. We see at the top 255506 and then
23 752665.

24 Q. Now I'm on page 4. Who is this he's talking to?

25 A. Again, it's Hilaac, and to both of the numbers.

—J. Blitzer - Direct—

1 Q. Now, just to be clear, we're not always going over to the
2 "Duration" field. Not all these calls are connecting. Is
3 that correct?

4 A. That's correct.

5 Q. And who is this individual he's talking to?

6 A. Liban Abdurahman, still on both the 20th and the 21st of
7 February, 2011.

8 Q. Now, while those communications are going on are
9 additional searches being performed?

10 A. Yes. These are the searches we spoke of earlier
11 regarding the Maryland phone numbers.

12 Q. And how about this individual?

13 A. Yes. This is another individual we were looking for,
14 Balixule, and his name does appear on the "Sent Items" list
15 in the phone with that number but not on his phone book. So,
16 potentially, it was erased from the phone book during
17 sometime after that contact was made and was saved with that
18 name in there.

19 Q. So you have a contact that's got the name associated with
20 the number, but it's not actually in the phone book that way.

21 A. That's correct.

22 Q. And how about what's highlighted now?

23 A. Again, this is more contact with 349092.

24 Q. Now we're on to page 5. What date are we on now?

25 A. The 21st, February 21st, of 2011.

—J. Blitzer - Direct—

1 Q. And what's still going on at this point?

2 A. Still searching for information regarding the Maryland
3 telephone numbers.

4 Q. And who is this individual that's being contacted?

5 A. Again, Hilaac.

6 Q. And do the contacts with Hilaac extend the next day?

7 A. Yes, into the 22nd of February, 2011.

8 Q. And what are these highlights?

9 A. Additional contacts with 349092.

10 Q. And how about that one that's highlighted there?

11 A. Yes, this is on the 21st, contact with Mohamud Haji Khyr.

12 Q. And what type of contact is that?

13 A. Text message.

14 Q. And what does it say?

15 A. "Uncle, call me."

16 Q. Okay. Now on the last page -- what are the contacts on
17 the last page?

18 A. Text messages with Mohamud Haji Khyr, and the dates are
19 the 22nd of February of 2011 and the 23rd of February, 2011.

20 Q. Now, are both of those incoming text messages from
21 Mohamud Haji Khyr?

22 A. Yes.

23 Q. After compiling all this information how many total calls
24 did you tabulate between Hilaac and Shubin's phone?

25 A. 45.

—J. Blitzer - Direct—

1 Q. How many of those calls were incoming from Hilaac to
2 Shibin's phone?

3 A. Two.

4 Q. How many of those calls were outgoing from Shibin's phone
5 to Hilaac?

6 A. 43.

7 Q. And of that total 45 calls how many of those were
8 actually connected conversations with some duration?

9 A. 14.

10 Q. Regarding Liban Abdurahman, how many total contacts
11 between the two phones?

12 A. 20.

13 Q. How many of those were incoming?

14 A. One.

15 Q. How many of those were outgoing from Shibin's phone to
16 Liban's phone?

17 A. 19.

18 THE COURT: How many?

19 THE WITNESS: 19, sir.

20 BY MR. HATCH:

21 Q. How many of those total calls to Liban were actually
22 connected conversations?

23 A. Nine.

24 Q. Mohamud Haji Khyr -- how many total calls in the time
25 frame?

—J. Blitzler - Direct—

1 A. Eight.

2 Q. How many of those were incoming to Shibin's phone?

3 A. One.

4 Q. How many calls were outgoing?

5 A. Seven.

6 Q. So how many of those eight total calls were actually
7 connected conversations?

8 A. Three.

9 Q. Balixule -- how many do we have?

10 A. Just one.

11 Q. Was it incoming or outgoing?

12 A. Outgoing.

13 Q. And did it connect?

14 A. Yes.

15 Q. And this 349092 number that couldn't be associated, how
16 many calls to that number?

17 A. 14.

18 Q. Incoming?

19 A. Two.

20 Q. How many were outgoing?

21 A. 12.

22 Q. And how many connected?

23 A. Eight.

24 Q. Now, are you aware as a case agent that there are many
25 cell phones that were recovered from the Quest or the pirates

—J. Blitzer - Direct—

1 associated with the Quest?

2 A. Yes.

3 Q. And were those cell phones or associated SIM cards
4 processed by the Norfolk FBI CART team?

5 A. Yes.

6 Q. And tell the jury what is the CART team?

7 A. The CART team is responsible for taking media or
8 computers and doing an analysis of that.

9 Q. And some of them couldn't be processed. Is that right?

10 A. That's correct.

11 Q. They're in such poor condition?

12 A. Yes.

13 Q. But of the ones that were processed did you look through
14 the contacts list of those phones to try to identify other
15 numbers that were connected with the numbers you were seeing
16 in Shibin's phone?

17 A. Yes, I did.

18 MR. HATCH: Your Honor, at this time if I may read a
19 stipulation between the parties.

20 THE COURT: Yes.

21 MR. HATCH: "United States Exhibits 2-15 A through
22 2-15 G are certain pictures and the results of forensic
23 examination of cell phones seized from Mohammad Salad Ali
24 while he was on board the USS Sterett or found aboard the
25 Quest by the FBI ERT during its search of the Quest from

—J. Blitzer - Direct—

1 February 26-28, 2011. The cell phones were later transferred
2 to the custody of the FBI, Norfolk, Virginia, where they were
3 properly stored and maintained as evidence. The cell phones
4 were forensically examined by technicians with the FBI. The
5 contacts lists of the cell phones, among other things, were
6 removed and preserved as evidence. United States Exhibits
7 2-15 A to 2-15 G have therefore been properly authenticated
8 and are admissible in evidence with no further showing by the
9 government."

10 Your Honor, at this time I would move in evidence
11 2-15 B, as in "bravo," 2-15 E as in "Edward," 2-15 G as in
12 "gopher," and 2-15 F as in "Friday."

13 THE COURT: 2-15 B, E, G and F are admitted into
14 evidence.

15 (The exhibits were admitted into evidence.)

16 MR. HATCH: Thank you, Your Honor.

17 BY MR. HATCH:

18 Q. I'll publish 2-15 B(2).

19 Agent Blitzer, on this particular contact list did
20 you find a number that was connected with numbers you were
21 looking for on Shibin's phone?

22 A. Yes, I did.

23 Q. And what is that number?

24 A. This number is the 090 380303, which is the same we saw
25 in Mr. Shibin's phone book as M. Haji Khyr.

—J. Blitzler - Direct—

1 Q. Now, in this phone book there's no name associated with
2 that phone number, correct?

3 A. Correct.

4 Q. So what significance does it have to you that this phone
5 number is also found in one of the Quest pirates' phone book?

6 A. It's significant because it shows that both parties had
7 access to this number and were contacting or had contacts
8 with this number, so it shows a direct relation.

9 Q. Okay. Now I'm going to publish 2-15 E, page 1.

10 What was significant about contact number 12 in this
11 exhibit?

12 A. You'll see here this one is listed as Hilaac, and the
13 number is 255506, which we also saw in the text message to
14 Mr. Shubin to "Call Hilaac at 255506."

15 Q. And is there another number -- another name associated
16 with Hilaac in this contacts list?

17 A. Yes, there is, Farax.

18 Q. Now, are you familiar with the X and the H in Somali
19 being somewhat interchangeable?

20 A. Yes.

21 Q. And so could that also stand for Farah?

22 A. Farah.

23 Q. I would publish the second page of this exhibit.

24 THE COURT: That's 2-15 E you're still on?

25 MR. HATCH: Yes, Your Honor.

—J. Blitzler - Direct—

1 BY MR. HATCH:

2 Q. How about contact number 25?

3 A. Yes. You'll see in this one 798401 was in Mr. Shibin's
4 phone as Liban Abdurahman or associated with Liban
5 Abdurahman, and here you'll see the L-I in the beginning of
6 that and then Langare, the L-I synonymous with Liban, the
7 beginning of his name, and the number is the same.

8 Q. Okay. I'm moving to page 8 of that exhibit.

9 Tell me about contact 106.

10 A. Here you'll see a number we just spoke of again, 380303,
11 Mohamud Haji Khyr. And, as we talked about, the X and the H
12 are kind of interchangeable.

13 Q. 2-15 F I'm publishing now.

14 We see that number here again?

15 A. Yes, the same number, 380303.

16 Q. And I'll move to the second page of that exhibit.

17 Do you recognize this contact number 16?

18 A. Yes. That's again another number that was in Mr.
19 Shibin's phone as Haji Khyr -- Mohamud Haji Khyr.

20 Q. And how about this number?

21 A. Yes. This number was, again, associated with Liban
22 Abdurahman in Mr. Shibin's phone.

23 Q. And, finally, on this one?

24 A. This one is Juguuf, who is a part of the taking of -- the
25 hijacking of the Quest, one of the leaders of that group.

—J. Blitzler - Direct—

1 Q. And do we see that phone number in Shibin's phone?

2 A. Yes, you see it in the phone book.

3 Q. And, finally, 2-15 G(2). Tell me about contact number 20
4 on Exhibit 2-15 G.

5 A. Right, for Balixule. It's the same number Mr. Shibin had
6 in the recent contacts and the one contact he had for
7 Balixule.

8 THE COURT: What exhibit is this number?

9 MR. HATCH: Your Honor, this is Exhibit Number
10 2-15 G.

11 THE COURT: E, as in --

12 MR. HATCH: G as in "goat."

13 THE COURT: G? Okay.

14 MR. HATCH: The Court's indulgence.

15 (There was a pause in the proceedings.)

16 MR. HATCH: No further questions.

17 THE COURT: Ladies and gentlemen, this seems like it
18 would be a good time to stop. We'll have cross-examination
19 in the morning. We'll start at 10:00 tomorrow morning.
20 10:00 tomorrow morning. We'll probably only go for an hour
21 before we take a break tomorrow, so then we'll see where we
22 go from there. So we're going to start at 10:00 tomorrow
23 morning.

24 Everyone please rise while the jury retires.

25 (The jury withdrew from the courtroom.)

—J. Blitzer - Direct—

1 THE COURT: I ask counsel to get here at quarter to
2 10:00 so we can go over times and where we're going, and it
3 will give you a chance to figure out how far we're going.
4 Because, as I understand it, this may be the last witness.

5 MR. HATCH: Yes, Your Honor. This will be our last
6 witness we anticipate, and we'll marry up our stipulations
7 with Mr. Broccoletti, and that will be the government's case
8 in chief.

9 THE COURT: All right. So if you would come in --
10 so in 15 minutes we can figure out where we're going and how
11 much time we'll take and so forth before we empanel the jury,
12 okay?

13 Any problem with that?

14 MR. BROCCOLETTI: No, Your Honor.

15 THE COURT: Okay. See you-all tomorrow morning.
16 Recess until tomorrow morning at 9:45, okay?

17 (The hearing adjourned at 4:30 p.m., to be
18 reconvened at 9:45 on April 26, 2012.)

19

20 *****

21

22 THE COURT: Would you put Mr. Blitzer back on the
23 stand.

24 Mr. Blitzer, you're reminded you're still under
25 oath, sir.

—J. Blitzer - Cross—

1 THE WITNESS: Yes, Your Honor. Thank you.

2 THE COURT: Mr. Broccoletti, you're cross-examining
3 Mr. Blitzer.

4 MR. BROCCOLETTI: Yes, sir.

5 JAMES A. BLITZER, the witness on the stand at the
6 time of adjournment on April 25, 2012, having been previously
7 duly sworn, testified further as follows:

8 CROSS-EXAMINATION

9 BY MR. BROCCOLETTI:

10 Q. Good morning.

11 A. Good morning.

12 Q. Hopefully I'm going to try to pull up Government's
13 Exhibit 2-10 H here.

14 All right. Now, this is, again, the summary chart of
15 the phone calls that you had discussed yesterday, correct?

16 A. Yes, sir.

17 Q. And what I want to just focus on, if I could right now,
18 is that call which was made on the 17th to Mohamud Haji Khyr.
19 Do you see that?

20 A. Yes, sir.

21 Q. All right. And with respect to that number 77 where the
22 red arrow is, what does that reflect?

23 A. That's the duration of call in seconds, so --

24 Q. So -- I'm sorry. Go ahead.

25 A. So that would be one minute and 17 seconds.

—J. Blitzer - Cross—

1 Q. And that was the total length of the phone call?

2 A. That's correct.

3 Q. Now, we've heard on the Marida Marguerite wiretaps that
4 were made between the ship and the German authorities. We
5 actually heard the phone calls themselves. There are no such
6 wiretaps in his case.

7 A. That's correct.

8 Q. So we have no idea what was said on the phone.

9 A. That's correct.

10 Q. There's no record at all of what was said on the phone.

11 A. That's correct.

12 Q. As opposed to the text, where we have a content and a
13 context of what was said.

14 A. That's correct.

15 MR. BROCCOLETTI: I'm sorry, Judge. I apologize.

16 THE COURT: That's all right. This is all a very
17 new system, ladies and gentlemen. This is the very first
18 case in which it's been utilized in this Court. We're all
19 joining the 21st century.

20 BY MR. BROCCOLETTI:

21 Q. Then on the 19th there's another call to Haji Khyr, and
22 again can you tell us how long that call was?

23 A. Yes. That would be one minute and 20 seconds.

24 Q. From your review of the telephone records as reflected in
25 Exhibit 2-10 H, were there any phone calls from Haji Khyr to

—J. Blitzer - Cross—

1 the defendant on the 18th, which was the day the Quest was
2 seized?

3 A. Sir, just to be a hundred percent accurate, I'd have to
4 just look at the summary chart.

5 Q. That's all right. Do you have it?

6 A. I do not have it in front of me, no.

7 MR. BROCCOLETTI: Judge, may I just hand him my
8 copy, please, to review?

9 THE COURT: That's all right. Go ahead.

10 (There was a pause in the proceedings.)

11 THE WITNESS: To answer your question, there's no
12 phone calls between Mr. Shibin or Mohamud Haji Khyr on the
13 18th of February, 2011.

14 BY MR. BROCCOLETTI:

15 Q. So there's a call on the 17th and a call on the 19th?

16 A. That's correct.

17 Q. All right. May I have that back, please?

18 And then, likewise, there's a text which is...

19 (There was a pause in the proceedings.)

20 BY MR. BROCCOLETTI:

21 Q. That's on the 18th from Liban which we talked about
22 yesterday which says, "Uncle, call me." This is Liban
23 Abdurahman. Do you see that?

24 A. Yes, sir.

25 Q. From your review of the telephone records -- and if you

—J. Blitzer - Cross—

1 want to take a look at the summary chart again -- was there
2 any call right after that from the defendant to Liban?

3 A. I would have to just review it.

4 Q. Sure.

5 THE COURT: Do you have another copy of this chart,
6 Mr. Hatch?

7 MR. HATCH: I'm sure we do, Your Honor.

8 THE COURT: Would you give the defendant (sic) a
9 copy to look at?

10 Show it to Mr. Broccoletti first. Mr. Pierce, show
11 it to Mr. Broccoletti first.

12 Okay. Now the defendant (sic) has one in front of
13 him and Mr. Broccoletti has one. All right.

14 BY MR. BROCCOLETTI:

15 Q. So, from your review of the record was there a phone call
16 on the 18th from the defendant to Liban in response to that
17 text?

18 A. Not on the 18th, no, sir.

19 Q. The next phone call to Liban is on the 19th. Is that
20 correct -- or the 20th. I apologize.

21 A. Yes, sir, on the 20th.

22 Q. Now, from your review of the telephone records as
23 reflected in 2-10 H, after the phone call from the defendant
24 to Haji Khyr on the 19th, which lasted approximately 80
25 seconds, were there any other phone calls that connected

—J. Blitzer - Cross—

1 between the defendant and Haji Khyr, as reflected on
2 2-10 H? That connected. Not that were made, but that
3 connected.

4 A. For -- you're talking after the 80-second phone call?

5 Q. Correct. After the 80-second phone call on the 19th, any
6 other calls that connected?

7 A. Yes, sir. If you go down three places there on the 19th
8 at 9:11 p.m. there's a five-second --

9 Q. Okay. Could that be voicemail?

10 A. I couldn't speculate as to what it could be.

11 Q. Okay.

12 A. That would be the entirety of that which connected, sir.

13 Q. Now, from your review, again, of 2-10 H from any of the
14 calls that connected could you tell us what the longest call
15 was, the longest length of conversation?

16 A. Two minutes 40 seconds, on the -- to Hilaac on page 4,
17 the 21st of February at 2:34 p.m. It was 160 seconds.

18 Q. Now, you're not able to distinguish whether or not things
19 went to voice mail or not from this?

20 A. No, I'm not.

21 Q. And when we look at American cell phone records a lot of
22 times we have call detail records where we're able to
23 determine where the phone was in relation to the cell phone
24 towers, correct?

25 A. Correct.

—J. Blitzer - Cross—

1 Q. All right. Do we have any reflection on this as to where
2 this phone was at the time that it was used?

3 A. No, I do not.

4 Q. So we have no records of cell phone towers to triangulate
5 anything?

6 A. No.

7 Q. You had mentioned something about the phone number 349092
8 at one point had a country code of 252 attached to it.

9 A. Yes.

10 Q. What is 252?

11 A. 252 would be a country code for Somalia.

12 Q. Oh, so it is part of Somalia?

13 A. Yes.

14 Q. Because we talked before about 090. Is that another
15 country code --

16 A. Sir, that would be an area code, similar to the 757,
17 would be an example for it in the U.S.

18 Q. All right. Now, with respect to...

19 MR. BROCCOLETTI: Can I continue to use this?

20 MR. HATCH: Sure.

21 BY MR. BROCCOLETTI:

22 Q. With respect to Government's Exhibit 215, these are the
23 contacts that were found on the phones that were recovered
24 off of the Quest, correct?

25 A. Yes, sir, that's correct.

—J. Blitzer - Cross—

1 Q. All right. Now, how many phones were recovered; do you
2 remember?

3 A. I don't remember a specific number.

4 Q. All right. Did you -- how were you able to download the
5 contacts from the phone?

6 A. That was not done by myself, that was done by the FBI
7 CART.

8 Q. All right. But you're familiar with the results of that.

9 A. Right.

10 Q. All right. Out of all of the calls that -- or excuse me.
11 Out of all the contact lists that were downloaded from the
12 phones recovered from the Quest, is Shibin's name on any of
13 those?

14 A. To be honest with you, I'd have to review to be a hundred
15 percent.

16 Q. Well, we --

17 MR. BROCCOLETTI: Can we show him -- do you have
18 Exhibit 2-15?

19 THE COURT: 2-15? Do you have it there, Ms. Baxter?

20 THE CLERK: I am searching right now. 2-15 -- yes,
21 I do.

22 BY MR. BROCCOLETTI:

23 Q. While she's doing that, let me ask you this.

24 A. Sure.

25 Q. Were you able to download the recent calls that were

—J. Blitzer - Cross—

1 made --

2 THE COURT: No, no. Let's stick with one issue at a
3 time, Mr. Broccoletti.

4 MR. BROCCOLETTI: Yes, sir.

5 THE COURT: Otherwise, it becomes hard to follow.

6 MR. BROCCOLETTI: Yes, Your Honor.

7 THE COURT: And I want to make sure that everyone
8 has an opportunity to follow where we're going without
9 confusing them.

10 MR. BROCCOLETTI: Yes, sir.

11 BY MR. BROCCOLETTI:

12 Q. Could you please review 2-15 and determine if Shibin's
13 name appears on any of the --

14 THE COURT: Now, let's go over 2-15. He still has
15 2-10 in front of him, correct?

16 MR. BROCCOLETTI: He has 2-15 in front of him now.

17 THE COURT: I understand that. I said he still has
18 2-10 in front of him.

19 MR. BROCCOLETTI: Yes, sir.

20 THE COURT: Okay.

21 BY MR. BROCCOLETTI:

22 Q. Which exhibit did you just look at there?

23 A. This is 2-15 B. It does not contain Mr. Shibin's name.

24 (There was a pause in the proceedings.)

25 THE WITNESS: This is 2-15 E.

—J. Blitzer - Cross—

1 THE COURT REPORTER: E, as in "elephant"?

2 THE WITNESS: Yes.

3 (There was a pause in the proceedings.)

4 THE WITNESS: 2-15 E does not.

5 THE COURT: We've got 2-15 B and 2-15 E, is that
6 correct, that you've done so far? Is that right?

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: Okay.

9 BY MR. BROCCOLETTI:

10 Q. What are you looking at now?

11 A. This is 2-15 F.

12 (There was a pause in the proceedings.)

13 THE WITNESS: It is not contained in 2-15 F, either.

14 BY MR. BROCCOLETTI:

15 Q. Now what are you looking at?

16 A. This one is 2-15 G.

17 (There was a pause in the proceedings.)

18 THE WITNESS: And it's not contained there, either.

19 BY MR. BROCCOLETTI:

20 Q. Now, we have seen on Mr. Shibin's --

21 THE COURT: Excuse me, Mr. Broccoletti.

22 MR. BROCCOLETTI: Sir?

23 THE COURT: Excuse me.

24 MR. BROCCOLETTI: Yes, sir.

25 THE COURT: Are you through with 2-15?

—J. Blitzer - Cross—

1 THE WITNESS: Yes, Your Honor.

2 THE COURT: Now, just so I understand where we're
3 going, Mr. Shibin's name doesn't appear. Why would his name
4 appear?

5 THE WITNESS: It would be purely speculation, but if
6 he had some direct connection with these individuals they may
7 have his name in their phone. These phones are all taken off
8 of the Quest as evidence.

9 THE COURT: Does this mean whether a call came in or
10 went out to Mr. Shibin's number?

11 THE WITNESS: No, Your Honor.

12 THE COURT: It doesn't mean that?

13 THE WITNESS: No, Your Honor. This is just whether
14 or not they were listed in these phone books that were found.

15 THE COURT: If the number is not listed in the phone
16 book that was found then Mr. Shibin's name wouldn't appear.
17 Is that correct?

18 THE WITNESS: That's correct.

19 THE COURT: So in order for Mr. Shibin's name to
20 appear it must be in the phone book of the phone that is
21 being analyzed.

22 THE WITNESS: Yes, that's correct, Your Honor.

23 THE COURT: Okay. Thank you.

24 Go ahead, Mr. Broccoletti.

25 MR. BROCCOLETTI: Yes, sir.

—J. Blitzler - Cross—

1 BY MR. BROCCOLETTI:

2 Q. Now, we have seen in Mr. Shibin's phone your ability to
3 review calls that were placed and calls that were received.

4 A. Yes, sir, that's correct.

5 Q. Was there any attempt to do that -- or have you reviewed
6 any data recovered from the phones on the Quest as to calls
7 that were placed or calls that were received?

8 A. No. A lot of those phones were damaged in the recovery,
9 and some of the information was unable to be completed.

10 Q. All right. Now, you have also talked yesterday about a
11 gentleman by the name of Juguuf, whose name was in the
12 defendant's phone book, correct?

13 A. Yes, sir.

14 Q. In your review of Government's Exhibit 2-10 H, were there
15 any phone calls that you observed from the defendant to
16 Juguuf or Juguuf to the defendant?

17 A. No, sir.

18 Q. Now, finally -- and I think you said this yesterday --
19 there were a number of calls that you had obtained from the
20 defendant's phone which you did not include in 2-10 H.

21 A. Yes, sir.

22 Q. All right. May I show you what's been marked as
23 Defendant's Exhibit 10, please.

24 MR. BROCCOLETTI: And, Judge, this is part of the
25 stipulation that's included in the agreement between counsel

—J. Blitzer - Cross—

1 and the defendant.

2 THE COURT: Has it been admitted yet?

3 MR. BROCCOLETTI: No. I'm asking the witness to
4 look at it, and by stipulation, Your Honor, it will be
5 admitted.

6 THE COURT: All right. Do you want to admit it?

7 MR. BROCCOLETTI: We do, Your Honor.

8 THE COURT: All right. It's admitted by
9 stipulation. Let's move along.

10 (The stipulation was admitted into evidence.)

11 BY MR. BROCCOLETTI:

12 Q. Defendant's 10, does that reflect all of the calls from
13 the defendant's phone from -- I think it's 2008 through the
14 23rd of February, 2011, correct?

15 THE COURT: Does it list just one phone number?

16 MR. BROCCOLETTI: It's his phone, Your Honor. No,
17 it lists all the calls placed and received.

18 THE COURT: Weren't there two numbers?

19 MR. BROCCOLETTI: From the phone, yes, sir, from
20 both SIM cards.

21 THE COURT: Both SIM cards.

22 MR. BROCCOLETTI: Yes, sir.

23 THE COURT: Okay.

24 BY MR. BROCCOLETTI:

25 Q. And we can agree that there are a number of phone calls

—J. Blitzer - Redirect—

1 that are placed during the course of even the beginning --
2 middle of February until the 23rd of February, correct?

3 A. Yes, sir.

4 Q. A number of phone calls that aren't reflected on 2-10 H.

5 A. Yes, sir.

6 Q. And the date of the 23rd of February is the date that
7 your data recovery stopped?

8 A. Of the information I had, yes.

9 Q. And you know that that's the date that the host security
10 nations seized the defendant's phone?

11 A. Yes.

12 Q. All right. Thank you very much.

13 MR. BROCCOLETTI: Judge, we would ask that
14 Defendant's 10 be admitted. I think the Court has already
15 admitted it.

16 Thank you very much.

17 MR. HATCH: Briefly, Your Honor.

18 THE COURT: You can have all the time you want,
19 Mr. Hatch. When somebody tells me "briefly" I hold them to
20 it. I just thought I would tell you that.

21 MR. HATCH: I appreciate that, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. HATCH:

24 Q. Agent Blitzer, you were asked several questions about how
25 many calls connected on Government's Exhibit 2-10 H. Do you

1 recall that?

2 A. Yes.

3 Q. Were there many calls that connected between Mr. Shibin's
4 phone and the various investors or financiers that have been
5 identified?

6 A. Yes.

7 Q. And were there phone numbers that you were unable to
8 associate with a particular investor and financier?

9 A. Yes.

10 Q. So, for example, we have the 349092 number, right?

11 A. That's correct, yes.

12 Q. That could be associated with any of those individuals,
13 correct?

14 A. Yes.

15 Q. And you were asked about whether Mr. Shibin's name or
16 phone number appeared in any of the four contacts lists we
17 talked about.

18 Are you aware that Mr. Shibin's name and phone number
19 was relayed to the Navy by the pirates on the Quest?

20 A. Yes.

21 MR. HATCH: No further questions, Your Honor.

22 THE COURT: Between 17 February and 23 February on
23 2-10 how many references are there to messages -- phone, text
24 messages or otherwise -- to Haji Khyr?

25 THE WITNESS: To Mr. Haji Khyr there's a total of

—J. Blitzler - Recross—

1 three text messages.

2 THE COURT: Three text messages?

3 THE WITNESS: Yes. And then there's a total of
4 eight phone calls, one from Mr. Haji Khyr to Mr. Shibin and
5 then seven from Mr. Shibin to Haji Khyr.

6 THE COURT: Thank you. Have I raised any points for
7 you?

8 MR. HATCH: Not for the government, Your Honor.

9 RE CROSS-EXAMINATION

10 BY MR. BROCCOLETTI:

11 Q. Could you just read to us what the context of the texts
12 are that the Court asked you about between Khyr and the
13 defendant?

14 A. Sure.

15 Q. And could you give the dates?

16 A. Yes, sir.

17 (There was a pause in the proceedings.)

18 THE WITNESS: On the 21st of February, 2011,
19 6:52:13 p.m., the first one reads, "Uncle, call me."

20 And then on the 22nd at 7:29:57 p.m. it reads,
21 "Uncle, please send me an easy ten now for a radio that I
22 bought."

23 And the last one is 23 February, 2011, 1:41:52 p.m.,
24 "Uncle, were you hurt this morning?"

25 BY MR. BROCCOLETTI:

1 Q. With respect to the text on the 21st that said, "Uncle,
2 call me," do your records reflect any calls that the
3 defendant made then?

4 A. No.

5 MR. BROCCOLETTI: Thank you.

6 THE COURT: Do you know what the, "Were you hurt" --
7 was a result of what -- "this morning?"

8 THE WITNESS: I couldn't speculate on that, Your
9 Honor. I'm not sure.

10 THE COURT: Anything else, gentlemen?

11 MR. HATCH: Not from the government, Your Honor.

12 THE COURT: Do you need this witness any further?

13 MR. HATCH: No, Your Honor.

14 THE COURT: You may be excused.

15 Do you need this witness any further?

16 MR. BROCCOLETTI: No, thank you, Your Honor.

17 THE COURT: You may be excused, Mr. Blitzer.

18 THE WITNESS: Thank you, Your Honor.

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CERTIFICATION

I certify that the foregoing is a correct transcript
of an excerpt from the record of proceedings in the
above-entitled matter.

s/s

Heidi L. Jeffreys

August 2, 2012

Date

Heidi L. Jeffreys, Official Court Reporter